

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-209780

DATE: June 20, 1983

MATTER OF: Credit Bureau Reports Inc.

DIGEST:

1. Procuring agency need not explicitly identify evaluation subcriteria which are reasonably related to and encompassed by the evaluation criterion which is explicitly identified in solicitation.
2. Incumbent contractor is not entitled to presumption that it has experience and capability required by evaluation criteria. Incumbent's proposal must demonstrate compliance with experience and capability requirement.
3. The evaluation of proposals is primarily the responsibility of the procuring agency and not subject to objection unless shown to be unreasonable, arbitrary, or violative of the law. Where protester received 20 technical points less than maximum and would not have been in line for award if it had received even one point less than maximum, evaluation has not been shown to have been unreasonable.

Credit Bureau Reports Inc. (CB Reports) protests the award of a contract by the Small Business Administration (SBA) to Credit Bureau Marketing, Inc. (CB Marketing), under task II of request for proposals (RFP) No. 28-19 for credit reference subscription services. CB Reports, the incumbent contractor, claims SBA evaluated its proposal on the basis of criteria not contained in the RFP and it should have received additional points.

The RFP contained seven evaluation criteria--six related to technical factors and one to cost. The relevant technical factor to the protest is:

- "1. Experience and Capability of Contractor in furnishing Credit Report Services. Qualifications.

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Proposals were submitted by TRW, CB Reports and CB Marketing. TRW's proposal was determined to be "nonresponsive." CB Reports' and CB Marketing's proposals received the identical technical points on all but the qualification criterion quoted above. CB Reports received five points and CB Marketing received 25 points. CB Reports' five-point score under the first evaluation factor is the focus of the protest.

Cost was worth 10 points and technical factors worth 90 points. CB Reports submitted a price of \$168,723. CB Marketing submitted a price of \$173,930. Point totals were determined by subtracting cost points from technical points, as follows:

	<u>Technical Points</u>	<u>Price Points</u>	<u>Total</u>
CB Reports--			
	$(70 \times 90) - (169 \times 10) = 6300 - 1690 = 4610$		
CB Marketing--			
	$(90 \times 90) - (174 \times 10) = 8100 - 1740 = 6360$		

The following subcriteria, which were not stated in the RFP, were considered in assigning scores under the first evaluation criterion:

"General corporate experience, corporate experience with Federal Government, capability to provide verbal or written credit reports and credit reports transmitted via terminal, qualifications of the staff, quality control of credit reports, and any other information pertinent to Criteria No. 1 contained in the technical proposals, such as samples of the various types of credit reports. These factors combined are our sole means of determining the quality of credit reports."

CB Reports contends it was improper for SBA to evaluate proposals on the basis of this subcriteria without advising offerors of the type of information that was to be furnished, stating: "If we had known at that time that SBA was going to require staff qualifications, copies of credit

reports, and a specific expression of general corporate experience, we would certainly have been pleased to furnish such information."

While agencies are required to identify major evaluation factors, they are not required to identify explicitly the various aspects of each which might be taken into account, provided that such aspects are reasonably related to or encompassed by the stated criteria. Human Resources Research Organization, B-203302, July 8, 1982, 82-2 CPD 31; Bell & Howell Corporation, B-196165, July 20, 1981, 81-2 CPD 49; Buffalo Organization for Social and Technological Innovation, Inc., B-196279, February 7, 1980, 80-1 CPD 107. In our view, the evaluation of staff qualifications, general corporate experience, and the consideration of other information, such as samples of various types of credit reports, is reasonably and logically related to the first evaluation criterion and, therefore, was properly taken into account.

CB Reports claims to have provided service to SBA for 17 years and apparently believed that SBA would take CB Reports' incumbency into consideration. SBA did not do so. SBA instead gave specific direction to the technical evaluators that technical proposals were to be evaluated on the basis of content without regard to prior experience of the offeror. This directive was proper. Any offeror, whether or not an incumbent, must demonstrate compliance with the essential requirements of the RFP. As we stated in Mutual of Omaha Insurance Company, B-201710, January 4, 1982, 82-1 CPD 2, at page 7:

"* * * There is no basis for favoring incumbents with presumptions merely on the basis of prior performance. See PRC Computer Center, Inc., et al., 55 Comp. Gen. 60 (1975), 75-2 CPD 35. If a proposal does not clearly reflect the offeror's capability to meet the requirements of the solicitation, then that offeror should not expect to be considered for award. See Informatics, Inc., B-194926, July 2, 1980, 80-2 CPD 8; Helmut Guenschel, Inc., B-189397, September 20, 1977, 77-2 CPD 205; Comten-Comress, B-183379, June 30, 1975, 75-1 CPD 400. All offerors should have an equal

opportunity to write and submit proposals. To do what Mutual [the protester] advocates would foster unequal competition through an unwarranted preference for incumbents."

CB Reports requests an opportunity for a line-by-line comparison with CB Marketing's proposal. In effect, CB Reports is requesting that we reevaluate the proposals. However, in deciding protests against an agency's evaluation of proposals, our Office does not rescore the proposals or otherwise substitute our judgment for that of evaluation team members. The determination of the desirability of proposals is largely subjective, primarily the responsibility of the procuring agency, and not subject to objection by our Office unless shown to be unreasonable, arbitrary, or violative of the law. RDW Systems, Inc., B-204707, July 20, 1982, 82-2 CPD 61; AAA Engineering and Drafting, Inc., B-204664, April 27, 1982, 82-1 CPD 387; Westec Services, Inc., B-204871, March 19, 1982, 82-1 CPD 257.

SBA describes its scoring of CB Reports' proposal on the qualification criterion as follows:

"After an extensive review of the three proposals submitted it was decided, based solely on the presentations, that Credit Bureau Reports Inc., failed to present anything more than elementary information which did not allow a meaningful and valid selection. Accordingly they were assigned an overall value of 5 points for Criteria No. 1 primarily on the strength of the prior Government contracts as indicated on pages 8 and 9 of their proposal."

We have made a careful in camera examination of both CB Marketing's and CB Reports' proposals. We note that under the equation applied by SBA, CB Reports would have had to have received a total technical score of 89.45 to exceed CB Marketing's total score of 6360: $(89.45 \times 90) - (169 \times 10) = 8050.5 - 1690 = 6360.5$. A technical score of 89.45 would have required a score of 24.45 on the first evaluation factor. CB Reports would not have been in line for award with a lower score. Therefore, the proper inquiry is whether there is any reasonable basis for SBA awarding

CB Marketing the maximum points and CB Reports less than the maximum.

We do not find that SBA's decision to give CB Marketing the maximum score under the first evaluation criterion was unreasonable. Further, we find no basis for concluding that SBA's scoring of this criterion for CB Reports was unreasonable. Even if CB Reports should have received more than the five points assigned, there is no basis for us to conclude that the SBA acted improperly in assigning less than the maximum points for this criterion to CB Reports' proposal.

The protest is denied.

Milton J. Fowler
for Comptroller General
of the United States